REMARKS

Claims 8, 9, 13-15 and 28-33 are pending in this application. By this Amendment, the specification and claims 8, 9 and 13-15 are amended, claims 1-7, 11, 16-19 and 21-24 are canceled without prejudice or disclaimer and new claims 28-33 are added. Various amendments are made to the claims for clarity and are unrelated to issues of patentability.

Entry of the amendments is proper under 37 C.F.R. §1.116 because the amendments: (1) place the application in condition for allowance; (2) do not raise any new issues requiring further search and/or consideration; and/or (3) place the application in better form for appeal, should an appeal be necessary. The above amendments are merely for clarity of previously-claimed subject matter. The total number of independent claims has not increased. New independent claim 28 generally corresponds to independent claim 8. Entry is thus proper under 37 C.F.R. §1.116.

The Office Action rejects claims 1, 3-11 and 13-18 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. By this Amendment, claims 1, 3-11 and 16-18 are canceled. The rejection of claims 1, 3-11 and 16-18 is moot. The above amendments to claims 13-15 obviate the grounds for rejection. Withdrawal of the rejection under 35 U.S.C. §112 is respectfully requested.

The Office Action rejects claims 1, 8, 11, 16-19 and 22-24 under 35 U.S.C. §102(e) by U.S. Patent Publication 2005/0207388 to Rinne et al. (hereafter Rinne). The Office Action also rejects claims 3 and 9 under 35 U.S.C. §103(a) over Rinne in view of U.S. Patent 6,333,789 to Shima. Still further, the Office Action rejects claims 4 and 21 under 35 U.S.C. §103(a) over

Rinne in view of U.S. Patent Publication 2004/0085932 to Jiang. The Office Action also rejects claims 5-7 and 13-15 under 35 U.S.C. §103(a) over Rinne in view of U.S. Patent 6,944,178 to Charriere et al. (hereafter Charriere). The rejections are respectfully traversed with respect to the pending claims.

In at least one non-limiting embodiment, the present specification relates to a data transmission method in a mobile telecommunication system. Features of the claims may solve drawbacks of the conventional art such as a deadlock situation shown in FIG. 4. See also paragraphs [0003]-[0004] of the present specification.

Independent claim 8 recites receiving information corresponding to a data amount of each buffer of a plurality of logical channels and a characteristic of data to be transmitted from each of a plurality of logical channels, wherein the characteristic of data indicates whether or not the data is a re-transmission data, and selecting data to transmit from one of the plurality of logical channels based on the received information. Independent claim 1 also recites that the selecting the data comprises: determining which ones of the plurality of logical channels include the re-transmission data in a buffer corresponding to a specific logical channel, and after the determining which ones of the logical channels include the re-transmission data, when each buffer of the plurality of logical channels does not have the re-transmission data, selecting one of the plurality of logical channels based on priorities of each of the logical channels, when one or more buffers of the plurality of logical channels have the re-transmission data, selecting one of the plurality of logical channels among the plurality of logical channels having the re-

transmission data, wherein the selected logical channel has a highest priority among the plurality of logical channels having the re-transmission data, and sending the data to a transport channel.

The applied references do not teach or suggest all the features of independent claim 8. More specifically, Rinne enables transmission of control information via several logical channels and selects the transmission channel dynamically by using a predefined selection rule.

Rinne merely discloses selecting a logical channel with a consideration of a priority and delay requirements and an expected number of the message. See Rinne's paragraph [0044]-[0047]. Although Rinne discloses selecting a logical channel based on a few factors (i.e., priority, delay requirements, expected number), Rinne does not suggest an existence of re-transmission data in a buffer of corresponding logical channel. The Office Action's citation to paragraphs [0044], [0047] and [0060] does not suggest re-transmission data in a buffer of a logical channel.

Rinne does not teach or suggest receiving information corresponding to a data amount of each buffer of a plurality of logical channels and a characteristic of data to be transmitted from each of a plurality of logical channels, wherein the characteristic of data indicates whether or not the data is a re-transmission data, as recited in independent claim 8. Rinne also does not teach or suggest after the determining which ones of the logical channels include the re-transmission data, when each buffer of the plurality of logical channels does not have the re-transmission data, selecting one of the plurality of logical channels based on priorities of each of the logical channels, when one or more buffers of the plurality of logical channels have the re-transmission data, selecting one of the plurality of logical channels among the plurality of logical channels having the re-transmission data, wherein the selected logical channel has a highest priority

among the plurality of logical channels having the re-transmission data, as recited in independent claim 8.

The other applied references do not teach or suggest the missing features of independent claim 8. Shima relates to a method for processing a plurality of types of information having different priorities in a printing system. However, Shima does not suggest an existence of re-transmission data in a buffer of corresponding logical channel when one channel is selected among the plurality of logical channel in a wireless communication system. Shima's col. 1, line 48-col. 2, line 48 does not suggest these features. As such, Shima does not teach or suggest the features of independent claim 8 missing from Rinne.

Jiang and Charriere relate to a mobile telecommunications system. However, Jiang and Charriere also do not teach or suggest the missing features of independent claim 8.

For at least these reasons, Rinne, Shima, Jiang and Charriere do not teach or suggest all the features of independent claim 8. Thus, independent claim 8 defines patentable subject matter.

Independent claim 28 recites a radio protocol entity adapted to: receive information corresponding to a data amount of each buffer of a plurality of logical channels and a characteristic of data to be transmitted from each of the plurality of logical channels, wherein the characteristic of data indicates whether or not the data is a retransmission data, select data to transmit from one of the plurality of logical channels based on the received information. Independent claim 28 also recites that to select the data comprises: determining which ones of the plurality of logical channels include the re-transmission data in a buffer corresponding to a

specific logical channel, after determining which ones of the logical channels include the re-transmission data, selecting one of the plurality of logical channels based on priorities of each of the logical channels when each buffer of the plurality of logical channels does not have the retransmission data, and selecting one of the plurality of logical channels among the plurality of logical channels having the retransmission data when one or more buffers of the plurality of logical channels have the retransmission data, wherein the selected logical channel has a highest priority among the plurality of logical channels having the retransmission data. Independent claim 28 also recites to send the data to a transport channel.

For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 28. Thus, independent claim 28 defines patentable subject matter.

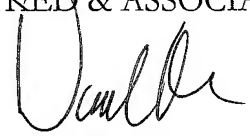
Accordingly, each of independent claims 8 and 28 defines patentable subject matter. Each of the dependent claims depends from one of the independent claims and therefore defines patentable subject matter at least for this reason. In addition, the dependent claims recite features that further and independently distinguish over the applied references.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 8, 9, 13-15 and 28-33 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
KED & ASSOCIATES, LLP



David C. Oren
Registration No. 38,694

P.O. Box 221200
Chantilly, Virginia 20153-1200
(703) 766-3777 DCO/kah
Date: September 1, 2009
Please direct all correspondence to Customer Number 34610